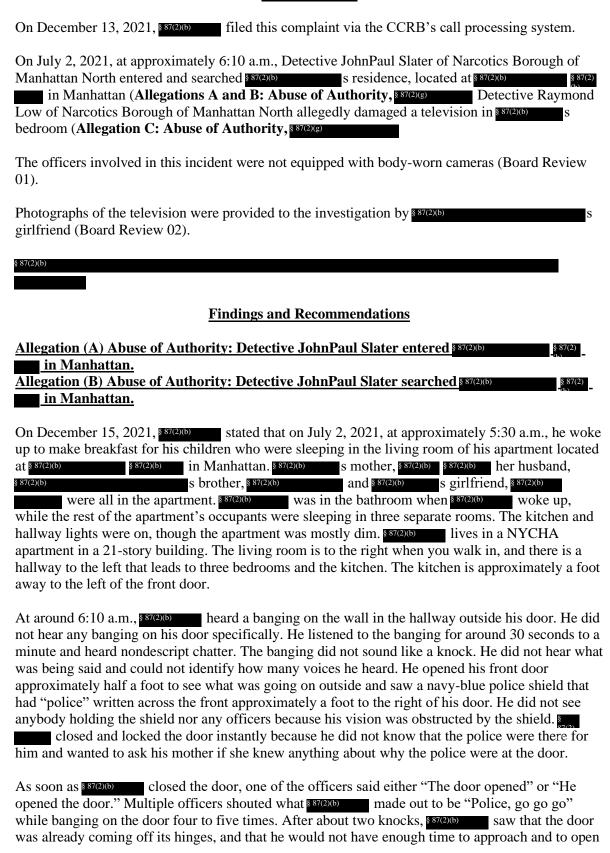
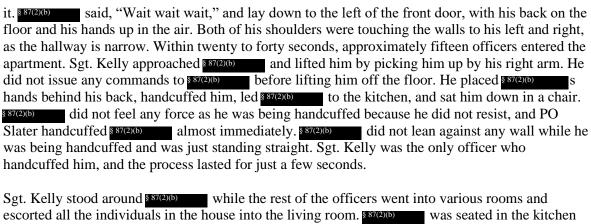
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
Stephanie Dukich		Squad #8	202107555		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	·	P	Precinct:	18	Mo. SOL	EO SOL
Friday, 07/02/2021 6:10 AM		§ 87(2)(b)			26	1	/2/2023	1/2/2023
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCl	RB
Mon, 12/13/2021 12:38 PM		CCRB	Call Processing System		Mon, 12/1	3/202	21 12:38 PM	1
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. DT2 Johnpaul Slater	06994	923188	NBMN MAJOR					
2. DT2 Raymond Low	04743	936985	NBMN MAJOR					
Witness Officer(s)	Shield No		Cmd Name					
1. DT2 Deon Ayala	06180		NBMN MAJOR					
2. SGT DS Nicole Tirado	04796		DA BX					
3. DT1 John Hourican	06119		NBMN MAJOR					
4. DT3 Morgan Jones	04167	914825	NARCBMN					
5. CPT Kurtis Rose	00000	946196	NBMN MAJOR					
6. DT2 Roberto Cordero	04445	936387	INT EPU					
7. SGT Sid Caesar	01309	932396	PSA 6					
8. DT2 Erick Ortiz	03383	906986	NBMN MAJOR					
Officer(s)	Allegatio	n			Inve	stiga	tor Recon	nmendation
A.DT2 Johnpaul Slater	Abuse: D § 87(2)(b)	etective Johnpaul Slate in M	r entered Ianhattan.					
B.DT2 Johnpaul Slater	Abuse: D	etective Johnpaul Slate in M	r searched Ianhattan.					
C.DT2 Raymond Low	Abuse: D	etective Raymond Low	damaged § 87(2)(b)		S			

Case Summary





escorted all the individuals in the house into the living room. was seated in the kitchen for approximately 15 minutes while the rest of the officers continued to search his apartment. could not see specifically where officers searched because he did not have a clear view from the kitchen. was then escorted downstairs and into a police vehicle downstairs, where multiple police vehicles were parked on the street. No force was used to get 77(2)(b) to comply with police instructions. 77(2)(b) did not sustain any injuries as a result of this incident. He was then arrested in the 26th Precinct for "Conspiracy." Of his personal items, two jackets, his cellphone, a composition notebook, a scale, and an empty plate was confiscated as evidence (Board Review 04).

When \$57(2)(b) returned to her room, she noticed that the television was no longer in its position standing upright on the shoe rack. Instead, the television lay flat on the bed, with one of it on the bed and the other part was on the shoe rack. The television was not taken apart in any way, and it did not appear to \$57(2)(b) that the officers searched inside the television. The television screen was covered with static when \$57(2)(b) attempted to turn it on and completely ceased to work within the next week. The rack that the television sits on contains a couple pairs of shoes and around four shoe boxes, though they can be accessed without moving the television off the rack. The officers took out all the shoes in the shoe boxes off the rack (Board Review 05).

A search warrant was obtained by Det. Slater on July 1, 2021, for the location (Board Review 06).

In the post-tactical plan prepared for this incident, Det. Low is listed as the "Assist" (Board Review 07).

The evidence seizure report prepared for this incident states the following in the event details: "AT T/P/O during the execution of the search warrant at subject location I did seize voucher the following USC, Narcotics, and clothing" (Board Review 08).

A photograph sent to the investigation by save entitled "\IMG_1076.jpeg" depicts the right wall of a room when you walk through the door. There are two shoe racks with various items in and atop them. On the rack towards the back of the wall, there is a television leaning on the wall. No apparent damages to the television are visible (Board Review 02).

stated that she had already moved the television back to a standing position before taking the photograph (Board Review 09).

Det. Slater testified on April 26, 2022, that on July 2, 2021, at approximately 6:10 a.m., he was with a field team of around seven to ten officers at the location. Their assignment was to search the location and arrest for conspiracy. As Det. Slater was the arresting officer, his specific assignment did not involve searching the location. Det. Low was assigned to be the searching officer. The team had an arrest and a search warrant active at the time of the entry. Specifically, the search warrant was for clothing: jackets, sweatshirts, and hoodies. They did not have any information about where the clothing in that apartment was, nor whether it was packaged into anything. In addition to clothing, they were looking for cell phones, telephones, cameras, video recorders, and video game consoles. Additionally, they were looking for books, pamphlets, and guides containing information. They were also looking for containers capable of storing any of the aforementioned items, including safes and lock boxes. The officers were not looking for a television in the search, and to Det. Slater's understanding, none of the items that they were looking for could have reasonably fit inside the television. Prior to arriving at the location, the field team had a meeting to discuss their tactical plan. Sgt. Kelly, who was the supervisor, did not issue any instructions to the officers prior to the entry.

The field team enacted an entry into the apartment. Sgt. Kelly entered with the field team. Det. Slater could not remember if anyone from the team remained outside with him. Around a minute or two later, Det. Slater also entered the apartment. Upon entering, he observed a living room area to the right and a kitchen to the left, then a hallway and bathrooms at the end of the hall. By the time he entered, (\$87(2)(b)) was already in handcuffs in the kitchen area. Det. Slater talked to and let him know why they were there. He then spoke with (\$87(2)(b)) s family and showed the mother the search warrant, which she signed. Det. Slater then walked around briefly and took photographs of the apartment. Det. Low also took photographs of the apartment which he emailed to Det. Slater's NYPD email. Det. Slater did not search anything inside the apartment but entered various rooms to familiarize himself with the apartment for court purposes.

Det. Slater was in the apartment for a few minutes before leaving to another job. From the apartment, officers ultimately recovered a driver's license, miscellaneous paperwork from Geico, more paperwork from a book, a cellphone, cocaine, a scale with residue, other paraphernalia, and two jackets. The door to the apartment was secured at 7:15 a.m., at which time the rest of the officers left (Board Review 10).

Det. Low testified on June 22, 2022, that he did not recall this incident. He stated that he is familiar with \$87(2)(b) s name, though he could not put a face to the name. \$87(2)(c), \$87(2)(f) . He could not recall what the search warrant was for, nor whether a television was one of the items they were looking for. He did not know if any of the items they were looking for could fit inside a television. He believed that \$87(2)(b) was one of the individuals who was to be arrested that day. Nothing specific stood out to him regarding this job.

Det. Low was presented with the tactical plan and pre-execution plan prepared for this incident. He stated that the "assist" meant that he was not part of the "bunker" and rather was just assisting. The assist assignment is responsible for anything that the arresting officer requires them to do, which could include searching an apartment. Det. Low could not recall whether Det. Slater, who was the arresting officer, issued any specific directions to him during this incident. Det. Low did not recall whether his assignment changed prior to the execution of the warrant. He did not recall any supervisors issue any specific commands to him prior to or during the execution of the warrant. He did not recall what the location looked like, how many people were inside the apartment, nor which rooms, if any, he entered. He did not recall how long after the bunker went inside that he followed inside. He did not recall where says was when he entered the apartment. Det. Low did not recall ever throwing or otherwise breaking a television at the location, nor did he witness any other officer do so.

Det. Low was presented with photographs of \$87(2)(6) s bedroom, provided to the investigation by \$87(2)(6) titled "\IMG_1076.jpeg" and "\IMG_1078.jpeg", located in IA #43. These photographs did not refresh Det. Low's recollection of entering the room at any time. Det. Low was presented with \$87(2)(6) s arrest photograph, located in IA #46. He did not recognize the photograph of \$87(2)(6) (Board Review 11).

Patrol Guide Procedure 212-75 defines a search warrant as "a court order and process directing a police officer to conduct a search of designated premises, or of a designated vehicle, or of a designated person, for the purpose of seizing designated property or kinds of property, and to deliver any property so obtained to the court which issued the warrant. A search warrant may also authorize the search of a designated premises for a person who is the subject of an arrest warrant" (Board Review 12).

NY CLS CPL § 690.30 states that a search warrant must be executed not more than ten days after the date of issuance (Board Review 13).

NY CLS CPL § 690.50 states that in executing a search warrant directing a search of premises or a vehicle, a police officer must, except as provided in subdivision two, give, or make reasonable effort to give, notice of his authority and purpose to an occupant thereof before entry and show him the warrant or a copy thereof upon request. If he is not thereafter admitted, he may forcibly enter such premises or vehicle and may use against any person resisting his entry or search thereof as much physical force, other than deadly physical force, as is necessary to execute the warrant (Board Review 14).

§ 87(2)(g)	
§ 87(2)(g)	

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party.
- Det. Slater has been a member of service for 23 years and has been a subject in ten CCRB complaints and 24 allegations, of which one was substantiated:
 - 201205225 involved substantiated allegations of Abuse of Authority against Det. Slater. The Board did not recommend a penalty and the NYPD did not impose a penalty.
- Det. Low has been a member of service for 17 years and has been a subject in six CCRB complaints and fourteen allegations, of which one was substantiated:
 - 201806662 involved substantiated allegations of Abuse of Authority against Det. Low. The Board recommended charges and the NYPD did not impose a penalty.

Mediation, Civil, and Criminal Histories

• This complaint was not suitable for mediation.

§ 87(2)(c), § 87(2)(b)

• As of July 20, 2022, a Notice of Claim FOIL request was filed with the New York City Office of the Comptroller (Board Review 15). The results are pending.

Squad: 8			
Investigator: _S	Stephanie Dukich	Inv. Stephanie Dukich	July 20,
	Signature	Print Title & Name	Date
Squad Leader: _I	Ethan De Angelo Signature	IM Ethan De Angelo Print Title & Name	July 21, 2022 Date
	Signature	Finit Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date